



DYKEMA GOSSETT PLLC
 FRANKLIN SQUARE, THIRD FLOOR WEST
 1300 I STREET, NW
 WASHINGTON DC 20005

In re Application of
 Stifter et al.
 Application No.: 10/587,176 : DECISION
 PCT No.: PCT/AT05/00009 :
 Int. Filing Date: 20 January 2005 : ON
 Priority Date: 27 January 2004 :
 Attorney Docket No.: 66376-387 : PETITION
 For: Training Device For The
 Muscles Of The Pelvic Floor

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 20 December 2007.

DISCUSSION

In a Decision mailed on 28 September 2007, the petition under 37 CFR 1.47(a) filed on 15 June 2007 was dismissed, without prejudice, because

Regarding **requirement (2)**,... Petitioner has provided copies of various German language documents, but it does not appear that English translations of all of these documents have provided (e.g., for the e-mail correspondence). The English translations of letters to Mr. Stifter which have been provided refer to, e.g., "previous correspondence" and to "the papers of the above application for signing," but do not in themselves establish that a complete copy of the application papers was provided to Mr. Stifter for his review in contemplation of executing this application. A statement signed by Michael Babeluk has been provided, and alludes to correspondence having been sent to Mr. Stifter, appearing to include a copy of the application and a declaration document. However, in the absence of English translations of all of the German language documents (including the e-mail purportedly evidencing a refusal), it would not be appropriate to conclude that requirement (2) has been satisfied at this time.

In response, petitioner has provided an English translation of said email correspondence. Petitioner has also provided a "Supplemental Statement..." signed by Michael Babeluk indicating that, on 04 October 2007, he "mailed a complete copy of the application (PCT/AT2005/000009, WO 2005/070504), including specification and claims, to Dr. Stifter at his last known address and asked him to sign the also included declaration and assignment (copy of transmittal letter and English translation attached). No reply from Dr. Stifter has been received." German and English language copies of the 04 October 2007 letter are included. However, inspection of the 04 October 2007 letter (as well as the letters dated 03 May 2007, 11 January 2007 and 05 December 2006 included with the previous petition) reveals that the letters were sent to Dr. Stifter at Auhofstraße 136, as opposed to the last known address provided in the 15 June 2007 petition, Volkerstraße 8/12. Petitioner is required to clarify which address is Dr. Stifter's last known address, and whether the correspondence in question in fact was sent to his last known address.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459